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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON
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8 RAUL G. CANTU,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE,
Commissioner of Social Security,

12 Defendant.
13
14

No. CV-07-0112-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION

15 **BEFORE THE COURT** for resolution is the Report and Recommendation
16 entered on January 3, 2008 (**Ct. Rec. 27**), recommending that Defendant's Motion
17 for Summary Judgment (**Ct. Rec. 24**) be denied, Plaintiff's Motion for Summary
18 Judgment (**Ct. Rec. 17**) be granted, in part, and the matter be remanded for
19 additional proceedings. No timely objections to the Report and Recommendation
20 have been received by the Court.

21 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R.
22 Civ. P. 72(b), this Court has conducted a *de novo* review of this case. Having
23 carefully reviewed the entire file, the Court finds the January 3, 2008 Report and
24 Recommendation (Ct. Rec. 27) to be supported by the record and by the Magistrate
25 Judge's analysis. Accordingly, the Court adopts the Magistrate Judge's Report and
26 Recommendation in its entirety.

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1 **IT IS HEREBY ORDERED** that the Report and Recommendation (Ct. Rec.
2 **27**) to deny Defendant's Motion for Summary Judgment and grant, in part,
3 Plaintiff's Motion for Summary Judgment is **ADOPTED in its entirety**. The matter
4 is **REMANDED** for additional proceedings as outlined in the Magistrate Judge's
5 Report and Recommendation (Ct. Rec. 27), and Judgment shall be entered for
6 **PLAINTIFF**.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order and an Order of Judgment, forward copies to counsel, and close the file.

9 DATED this 28th day of January, 2008.

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11 *s/Robert H. Whaley*
12 **ROBERT H. WHALEY**
13 CHIEF UNITED STATES DISTRICT JUDGE
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